

INFRASTRUCTURE INVESTMENT AND JOBS ACT

Ms. CANTWELL. Mr. President, I rise today to discuss an important provision I authored in the Infrastructure Investment and Jobs Act.

Section 40336 of the Infrastructure Investment and Jobs Act, H.R. 3684, includes several provisions relating to the Act of June 29, 1940, 54 Stat. 703, chapter 460; 16 U.S.C. 835d et seq., that facilitated the construction of the Grand Coulee Dam. The portion of the Columbia River that flows through the Colville and Spokane Indian Reservations formerly supported abundant anadromous salmon fisheries that were significant culturally and nutritionally to the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians. Upon completion of the Grand Coulee Dam in 1942, these fisheries were destroyed, and the Columbia River upstream of the Grand Coulee Dam was inundated by its reservoir waters. In 1945, these reservoir waters were designated Franklin D. Roosevelt Lake and today are commonly referred to as Lake Roosevelt.

The 1940 Act instructed the Secretary of the Interior to “set aside approximately one-quarter of the entire reservoir area for the paramount use of the Indians of the Spokane and Colville Reservations for hunting, fishing, and boating purposes, which rights shall be subject only to such reasonable regulations as the Secretary may prescribe for the protection and conservation of fish and wildlife” 16 U.S.C. 835d (emphasis added). Congress authorized the Secretary in the 1940 Act “to perform any and all acts and to prescribe such regulations as [it] may deem appropriate” to protect these paramount use rights. 16 U.S.C. 835h. The portions of Lake Roosevelt ultimately set aside for the paramount use of the Colville and Spokane Tribes pursuant to the 1940 Act are within the Colville and Spokane Reservations and are called the “Reservation Zone” of Lake Roosevelt.

In a 1945 Opinion, Interior Solicitor Warner Gardner interpreted the 1940 Act and confirmed that the 1940 Act provided the Tribes “special rights” to hunt, fish and boat within the Reservation Zones. 59 I.D. 147 (Dec. 29, 1945). Solicitor Gardner also found that the Secretary has broad discretion to determine how to protect the Tribes’ paramount rights, including the power to “give the Indians exclusive rights of hunting, fishing, and boating” in the Tribes’ respective Reservation Zones.”

In 1990, Interior entered an agreement with the Colville and Spokane Tribes establishing the framework for cooperative management of Lake Roosevelt between the Tribes, Bureau of Reclamation, National Park Service and Bureau of Indian Affairs. The agreement, commonly referred to as the “S-Party Agreement,” provides for the Colville and Spokane Tribes to “manage, plan and regulate all activities, development and uses that take

place” within the Tribes’ applicable portion of the Reservation Zones. The 5-Party Agreement also directs that the Bureau of Indian Affairs “shall assist the tribes in carrying out the tribes’ management of the Reservation Zone, and undertake such other activities as are authorized by law in support of the tribes.”

At the Tribes’ request, the Department of the Interior and its agency stakeholders previously initiated a process to consider potential solutions, including various possible Federal administrative actions to protect the Colville and Spokane Tribes’ paramount rights. This process involved government-to-government meetings and communications with both Tribes and with the State of Washington. The Department of the Interior considered several options, including rulemaking. A summary of the parties’ efforts in this regard were memorialized in a January 19, 2017, letter from Interior Solicitor Tompkins to the State of Washington and the Colville and Spokane Tribes.

The references to the Tribes’ paramount use rights in section 40336 are intended to reaffirm the 1940 Act’s recognition of those rights and to recognize that the Secretary of the Interior has both a federal trust responsibility and broad discretion to protect the Tribes’ paramount use rights.

Thank you.

VOTE EXPLANATION

Ms. STABENOW. Mr. President, unfortunately I was unable to attend the rollcall vote No. 389 on the confirmation of Todd Robinson to be Assistant Secretary of State for International Narcotics and Law Enforcement Affairs. Had I been able to attend, I would have voted in support of his nomination.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. MARK J. COCHRAN

• Mr. BOOZMAN. Mr. President, I rise today to recognize Dr. Mark J. Cochran, who after almost 40 years of service with the University of Arkansas System, is retiring today.

In Dr. Cochran’s last role with the university he led the division of agriculture’s research and extension work as its vice president. The University of Arkansas System division of agriculture’s mission is to strengthen agriculture, communities, and families by connecting trusted research to the adoption of best practices.

Dr. Cochran embodies that mission. So much so, that when it was announced that he would be stepping down, University of Arkansas System president Dr. Donald Bobbitt called Dr. Cochran “an unabashed cheerleader for Arkansas agriculture.”

I would echo that descriptor and add that he has been an incredible partner

in our efforts at the Federal level to ensure Arkansas producers remain on the leading edge; our rural communities remain strong; and the families that comprise them have opportunities to prosper.

Agriculture is Arkansas’ largest industry, adding around \$21 billion to our economy every year and accounting for approximately one in every six jobs. In order to reach and build upon that level of economic production, our producers need to maintain a competitive advantage. Research provides that building block, and Dr. Cochran ensured the university is on the cutting-edge of it. Under Dr. Cochran’s leadership, the University of Arkansas System division of agriculture helped guide this vital industry by providing science-based best practices and new technologies that led to advancements that benefit both producers and the environment.

While remaining dedicated to our current agriculture community’s needs, Dr. Cochran also focused with equal intensity on cultivating and preparing the next generation of Arkansas farmers and ranchers. In announcing his retirement, Dr. Cochran noted he is particularly proud of the impact the university has made on youth through its 4-H program and how that impact will carry into the future.

During his tenure, Dr. Cochran developed a reputation as a well-respected advocate for Arkansas agriculture, our rural communities, and the families that call the Natural State home. His leadership at University of Arkansas System Division of Agriculture will be missed, but he left a legacy that will benefit Arkansas agriculture for years to come. It has been an honor to work with him during his tenure, and I wish him all the best in retirement.●

RECOGNIZING KENTUCKY MIST MOONSHINE

• Mr. PAUL. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Kentucky small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize Kentucky Mist Moonshine, of Whitesburg, KY, as the Senate Small Business of the Week.

Kentucky Mist Moonshine is a family business nearly a century in the making. In the 1920s, during Prohibition, Little Henry Holbrook started distilling and bootlegging corn liquor in the Appalachian Mountains. Despite a 17-year stint in a Federal penitentiary, Henry continued bootlegging moonshine until he passed away in the 1980s. Decades later, in 2015, his grandson Colin Fultz decided to turn the Holbrook family tradition into a legal business. Using trade secrets and recipes passed down for generations, Colin perfected his family’s signature moonshine recipe for mass production. Working out a deal with the local city